

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Earl Martin Stroud, Jr.,	)	Case No. 4:18-cv-01191-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Orangeburg County Detention Center,	)	
Vernita Dozier, Officer Davis, Officer	)	
Wheeler,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court on Defendants Davis and Dozier's Motion to Dismiss. ECF No. 17. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for pre-trial proceedings and a Report and Recommendation ("Report"). On September 5, 2018, the Magistrate Judge issued an Order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the dismissal procedure and the possible consequences if he failed to adequately respond to the Motion. ECF No. 18. Despite the warning, Plaintiff failed to respond. On February 2, 2019, the Magistrate Judge issued a Report recommending that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution and failure to comply with Court orders. ECF No. 24. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the

Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the Report by reference in this Order. This action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b).<sup>1</sup>

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The Court notes that only Defendants Davis and Dozier filed the Motion to Dismiss. However, as several pieces of mail have been returned as undeliverable and Plaintiff has never made contact with this Court, it appears that Plaintiff intends to abandon this action as to all Defendants.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

May 13, 2019  
Spartanburg, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.